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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,645	06/27/2003	Steven Allen Holt	6269RDC	2686

27752 7590 06/22/2006

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EXAMINER	
MARKOFF, ALEXANDER	

ART UNIT	PAPER NUMBER
1746	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/607,645	HOLT ET AL.	
	Examiner	Art Unit	
	Alexander Markoff	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/02/06 has been entered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7, 8, 14, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rivera et al (US Patent No 5,090,832).

Rivera et al teach a pad and a method as claimed.

See entire document, especially column 2, lines 57-58, column 6, line 53 – column 7, line 8, Fig. 6, Fig. 12, Fig. 20 and column 8, lines 30-41, column 9, lines 10-30, column 9, line 45 – column 10, line 15.

The pad comprises a scrubbing layer 78, an absorbent layer 68, 74 (referenced together as 24) and impermeable attachment layer 26.

The layer 78 is made from porous nonwoven material, which permit passage of soiled liquid to the absorbent layer. Thereby, the layer meets the recited limitations of comprising slits and serves to perform the recited by claims function of uptake the contamination. See at least column 6, line 6 – column 7, line 8.

The claimed sequence of the layers is shown on Figure 20 and described in column 9, lines 10-30.

Rivera et al further state with respect to the embodiment shown on Fig. 20 that layer 68, 74 is the one as described in prior parts of the document. See column 9, lines 10-30.

The one of the preferred absorbent layers 68, 74 referenced in the cited part of the document is described in details in column 6, line 53 – column 7, line 8 and illustrated on Fig. 6. This layer comprises the super absorbent material 82.

The disclosed method comprises application of a cleaning liquid to the surface and cleaning the surface with the pad. The method does not require rinsing.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 3-6 and 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera et al (US Patent No 5,090,832).

With respect to these claims Rivera et al does not teach the specifically claimed range of the weight part of the super absorbent material. Rivera is silent regarding the amount of the material presented in the absorbent layer.

The proportions of the components of the material having different absorbent properties is a result effective variable. It would have been obvious to an ordinary artisan at the time the invention was made to find an optimum proportions for the super

absorbent material in the pad and method of Rivera et al by routine experimentation depending from the application requirement in order to enhance the action of the pad.

The property of the pad having the same structure would obviously the same.

7. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera et al in view of the state of the art admitted by the applicants in the specification.

With respect to these claims Rivera et al teach the claimed method except for recitation of the claimed cleaning solutions. Rivera et al teach the use of non-specified cleaning liquid.

The applicants admit in the specification (pages 18 and 19) that all cleaning liquids used in the method of the invention are known hard surface cleaning compositions.

It would have been obvious to an ordinary artisan at the time the invention was made to employ any conventional hard surface cleaning composition for it's primary purpose in the method of Rivera et al with reasonable expectation of success because the method of Rivera is disclosed for cleaning hard surfaces.

8. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera et al in view of Davison (US Patent No 3,629,047).

Rivera et al teach the claimed pad and method except for specific recitation of a scrim.

However, Rivera et al teach a layer of a nonwoven material. On the other hand, Davison teaches that nonwoven materials for disposable cleaning cloth conventionally comprise a scrim. See at least Fig. 2 and the related description.

It would have been obvious to an ordinary artisan at the time the invention was made to use the nonwoven material of Davinson in the pad and a method of Rivera et al with reasonable expectation of success because Davinson teaches this nonwoven material for cleaning applications.

Response to Arguments

9. Applicant's arguments filed 5/02/06 have been fully considered but they are not persuasive.

The applicants again argue that Rivera et al teach different sequence of the layers. The applicants rely on the fact that the pad of Rivera et al comprises additional layers, such as layer 22 referenced by Rivera et al as scrubbing layer.

The argument is not persuasive because Rivera et al teach the pad comprising a scrubbing layer 78, an absorbent layer 68, 74 (referenced together as 24) and impermeable attachment layer 26 in the claimed sequence. The presence of the additional layers and the use of the term "scrubbing" to designate layer 22 does not change the fact that Rivera et al teach the pad as claimed. The claims do not exclude any other layers.

The applicants are also alleging that the examiner misinterpreted layer 26. According to the applicant's statement layer 26 of Rivera et al is different from the

attachment layer of the claims, which serve to releasable affix the pad to a cleaning implement.

This is not persuasive because in contrast to the applicant's statement Rivera et al teach layer 26 for releasable attachment to a cleaning implement. See at least Fig. 12 and column 8, lines 30-41.

Conclusion

10. This is a continued examination of applicant's Application No. 10/607,645. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 571-272-1304. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Markoff
Primary Examiner
Art Unit 1746

AM

ALEXANDER MARKOFF
PRIMARY EXAMINER